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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,727	04/30/2001	Donald George Richardson	211016	3644
23460	7590	11/05/2003	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/830,727

Applicant(s)

RICHARDSON, DONALD  
GEORGE

Examiner

Edward Raymond

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29,31-38,40-51 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,31-38,40-51 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 29, 31-38, 40-51, and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolley et al. in view of Hoffman et al.

Woolley et al. teach a method of monitoring a consignment of goods the method comprising measuring a parameter of the consignment (Claims 29, 38, and 53: see col. 16, lines 9-15) using a disposable sender device attached to the consignment (Claims 29, 38, and 53: see col. 16, lines 32-33: The Examiner notes that the asset tags of the reference can be disposed of); transmitting a signal containing data representative of the measured parameter to a database (Claims 29, 38, and 53: see col. 28, lines 43-50 and also col. 61, lines 5-15: The Examiner notes that the remote operations center 13 contains the database), the database comprising a set-point value associated with the consignment for the measured parameter (Claims 29, 38, and 53: see col. 41, lines 9-17); comparing the measured parameter with associated set-point value; and if the measured parameter is not within a range specified, at least in part, by the set-point value, then initiating an intervention (Claims 29, 38, and 53: see col. 18, lines 28-33).

Woolley et al. teach a method of monitoring wherein the parameter is a temperature of the consignment (Claims 31 and 40: see col. 16, lines 43-45).

Woolley et al. teach a method of monitoring further comprising communicating the data to an intermediate sender device provided at a location of the consignment; and transmitting the data from the intermediate sender device to the database (Claim 32 and 41: see col. 16, 53-64).

Woolley et al. teach a method of monitoring including the step of determining the location of the consignment; and including data representative of the determined location in the data transmitted to the central location (Claims 33 and 42: see col. 17, lines 26-29).

Woolley et al. teach a method of monitoring further comprising storing the data in a storage means before transmission to the database (Claims 34, 35, 45, and 46: see col. 19, lines 57-61).

Woolley et al. teach a method of monitoring further comprising initializing the database to include consignment data for each consignment (Claim 36: see col. 16, lines 42-43).

Woolley et al. teach a method of monitoring further comprising providing secure communication access to the database to enable monitoring by enabled users of data available from the database (Claim 37: see col. 16, lines 32-39).

Woolley et al. teach a system for monitoring wherein the location determining means includes a global positioning system (Claim 43: see col. 17, lines 29-34).

Woolley et al. teach a system for monitoring wherein the intermediate sender device comprises the location finder (Claim 44: see col. 16, lines 58-64).

Woolley et al. teach a system for monitoring wherein the sender device is disposable and battery powered (Claim 47: see col. 19, lines 32-34).

Woolley et al. teach a system for monitoring wherein the sender device is disposable and inductively powered from the intermediate sender device (Claim 48: see col. 16, lines 46-52).

Woolley et al. teach a system for monitoring wherein the database includes set point values associated with the consignment for one or more of the measured parameters and the computer system means includes comparison means for comparing measured values with corresponding set point values to determine whether the consignment is meeting predetermined conditions (Claim 24: see col. 61, lines 5-15).

Woolley et al. teach a system for monitoring wherein the database comprises consignment data, and wherein the consignment data comprise dispatch and product data (Claim 49: see col. 17, lines 26-34: The Examiner notes that information about where a product is located is equivalent to dispatch data).

Wolley et al. teach a system further comprising secure communication access to the database to enable monitoring by enabled users of data available in the database wherein secure communication access is provided via the Internet (Claim 50: see col. 56, lines 36-40).

Woolley et al. teach a method of monitoring wherein initiating an intervention comprises recalling the consignment (Claim 51: see col. 18, lines 5-11 and also col. 54, line 53 through col. 55, line 39).

Woolley et al. teaches all of the features of the claimed invention, except a method of monitoring a consignment of goods, the method comprising continuously or at predetermined intervals measuring a parameter and the data comprising time-indicative data associated with the measured parameter. Hoffman et al. teach a method comprising measuring a parameter as described above (Claims 29, 38, and 53: see col. 9, lines 27-40, Figure 7: Historical Database, and also col. 12, lines 47-51: The Examiner notes that the data is stored on the portable signaling unit in order for information to be downloaded to the central dispatch station). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify Woolley et al. to use a continuous periodic measurements comprising data including time-indicative data, as taught by Hoffman et al., because this would allow for monitoring of changes of the unit over time and trends to be revealed.

***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 703-308-6235. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4447 for regular communications and 703-308-0956 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Edward Raymond". The signature is written in a cursive, flowing style with a large, prominent "E" and "R".

November 3, 2003  
Edward Raymond  
Patent Examiner  
Art Unit 2857